

EXHIBIT 5

AMTRAK SETTLEMENT FUND

INSTRUCTIONS TO FILE A CLAIM OR JOB RELIEF ELECTION FORM

YOU MAY HAVE A CLAIM FOR MONETARY AND/OR JOB RELIEF IN CONNECTION WITH THE SETTLEMENT OF THE *McLAURIN* RACE DISCRIMINATION LAWSUIT AGAINST AMTRAK.

If you want to file a claim for a monetary award from the Amtrak Settlement Fund, you must complete and sign a **Claim Form**, along with any attachments required by that form, and mail it in the enclosed envelope by **October 29, 1999**. The form must be addressed to Class Counsel's agent at Amtrak Employment Litigation, P.O. Box 4390, Portland, OR 97208-4390.

If you want to obtain job relief, you must complete and sign a **Job Relief Election Form** and mail it in the enclosed envelope by **October 29, 1999**. The form must be addressed to Class Counsel Sprenger & Lang, PLLC, 1614 – 20th Street, N.W., Washington, DC 20009. Read all instructions carefully before deciding whether to file a job relief claim. **It will reduce the amount of money** that you may receive from your Claim Form.

If you want to seek both types of relief, you must complete and sign **both** the **Claim Form** and the **Job Relief Election Form** and mail them in the enclosed envelopes by **October 29, 1999**.

No forms received in envelopes postmarked after October 29, 1999 will be considered. You are allowed to file only one Claim Form and/or one Job Relief Form even if you have claims relating to more than one personnel action. The Claim Form is designed so you can record all of your claims within the time period covered by the lawsuit.

This is the relevant time period for claims:

CLAIMS BY ALL *McLAURIN* PLAINTIFFS AND CURRENT AND FORMER BLACK EMPLOYEES OF AMTRAK WHO WORKED IN POSITIONS NOT COVERED BY A COLLECTIVE BARGAINING AGREEMENT ("MANAGEMENT POSITIONS"), OR ALL BLACK PERSONS WHO APPLIED FOR SUCH POSITIONS AND WERE NOT HIRED, AT ANY TIME BETWEEN JANUARY 1, 1995 AND SEPTEMBER 30, 1999.

Claims that arose before or after this period are **NOT** eligible for awards from the settlement fund or for job relief.

CLAIM FORM FOR MONETARY RELIEF:

Be sure to **follow these instructions** to find out if you may be eligible for an award of money:

1. Fill out the Claim Form completely and truthfully. The information you provide is confidential. It will be disclosed **only** to the lawyers for the class except as the Court may otherwise order. Failure to fill out either form truthfully will result in disqualification from participation in the settlement.
2. Put it into the appropriate pre-addressed envelope that comes with this letter.
3. Mail it by **October 29, 1999**. You must add postage.
4. You **must** inform Class Counsel's agent at, Amtrak Employment Litigation, P.O. Box 4390, Portland, OR 97208-4390, 1-800-625-5506, of any address change after you mail the Claim Form. Failure to do so within ninety (90) days of any change of address may result in disqualification of your claim and/or loss of all money which otherwise would have been awarded.

JOB RELIEF ELECTION FORM:

Be sure to **follow these instructions** to find out if you may be eligible to participate in the job relief process and to determine if you wish to participate given the **costs to you of participating in it:**

1. **Limitations on Participation.** You may participate in the Job Relief process **only** if your claim involves discrimination in hiring, promotion, demotion or termination **and**, entails a raise in annual compensation of at least five thousand dollars (\$5,000). Applicants who were **not** Amtrak employees (management or union) are not eligible to participate in the job relief process and should **not** fill out this Form.
2. **Costs to You of Participating in the Job Relief Process.** If you choose to participate in the Job Relief Process, **WHETHER OR NOT YOU SUCCEED IN PROCURING JOB RELIEF**, YOUR MONETARY AWARD FROM THE CLAIM FUND WILL BE REDUCED. Do **not** fill out and submit the form if you do not wish to lose points associated with your claim for monetary relief.

If you elect to participate, you will automatically lose:

- a. **Twenty-five percent (25%)** of your total points allocated to your claims for monetary relief under the formula used by the Court; **and**
- b. **All (100%)** of the points allocated to the claim for which Job Relief is sought.

Example. Assume hypothetically that you receive 100 total points under the Court's formula -- 25 for case participation, 25 for discriminatory rejection for promotion, 25 for hostile environment, and 25 for discriminatory discipline. If you elect to pursue Job Relief on the promotion claim, then you will lose 25 points (your entire allocation for the failure to promote) and 25% of your remaining 75 points, for a total of 43.75 points lost. Thus, instead of receiving a share of the Claims Fund proportionate to 100 points, your share will be proportionate to 56.25 points.

This means that your monetary award will be less than if you did not participate in the Job Relief process.

Why the Costs?

The settlement is structured this way for two reasons. First, if you are successful in gaining Job Relief, your economic damages will be less prospectively because you will have no loss of "front-pay." Thus, you should take proportionately less from the Settlement Fund. And second, the Job Relief process is extremely expensive because it entails a three-step effort to secure a change in job for you – negotiation, mediation, and arbitration (a mini-hearing). The majority of class members will prefer not to bear the costs associated with Job Relief, for themselves or others, relying instead on the systemic changes required by Amtrak under the Consent Decree to assist them with moving ahead in the future. (Amtrak has committed to undertake a management-wide compensation study and to correct within 2 ½ years any disparities in compensation attributable to racial discrimination (upon external evaluation.) This will happen separate and apart from the Job Relief Process.)

3. If you have questions about whether Job Relief is appropriate for you given these costs, please call Sprenger & Lang at 202-265-8010 or write to Sprenger & Lang at 1614 – 20th Street, N.W., Washington, DC 20009-1001. One of the Class Counsel will respond as promptly as possible.
4. Fill out the Job Relief Election Form completely and truthfully. The information you provide is confidential. Although Amtrak will be informed of the substance of your job relief claim as part of the negotiating process, the form itself will be disclosed **only** to the lawyers for the class except as the Court may otherwise order. Failure to fill out either form truthfully will result in disqualification from participation in the settlement.
5. Put it into the appropriate pre-addressed envelope that comes with this letter.
6. Mail it by **October 29, 1999**. You must add postage.
7. You **must** keep Class Counsel, Sprenger & Lang, PLLC, 1614 20th Street, N.W., Washington, DC 20009-1001, Telephone: 202-265-8010, informed of any address change after you mail the Job Relief Election Form. Failure to do so within ninety (90) days of any change of address may result in disqualification of your claim and/or loss of all money which otherwise would have been awarded.

IF THE ENVELOPE CONTAINING YOUR CLAIM OR JOB RELIEF ELECTION FORM IS NOT POSTMARKED BY OCTOBER 29, 1999, IT WILL **NOT** BE ALLOWED PURSUANT TO LAW.

You will be notified later about the status of your claim. If you have any questions about your claim before you file it, write or telephone Sprenger & Lang.

Michael Lieder
Maia Caplan
Sprenger & Lang, PLLC
1614 – 20th Street, N.W.
Washington, D.C. 20009-1001

Phone: (202) 265-8010
(You may leave a recorded message 24 hours a day)

If you have a question about the status of your monetary claim once you've filed it, however, you should direct your inquiry to Class Counsel's agent at:

Amtrak Employment Litigation
P.O. Box 4390
Portland, OR 97208-4390

Phone (800) 625-5506